

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOEL BAEZ : CIVIL ACTION
vs. :
DAVID DIGUGIELMO, et al. : NO. 10-CV-1396

ORDER

AND NOW, this 17th day of August, 2010, upon careful and independent consideration of the petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa and the Petitioner's objection to Magistrate Decision (Document 13) and Request for Certificate of Appealability (Document 14), it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for Writ of Habeas Corpus is DENIED with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.